

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re DITECH HOLDING CORPORATION, *et al.*, :
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Debtors. :
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23-cv-8989 (LJL)

MEMORANDUM AND
ORDER

LEWIS J. LIMAN, United States District Judge:

On October 16, 2023, the Court ordered Appellant to “to show cause by November 6, 2023 why the Court should not dismiss this appeal for failure to file a designation of the items to be included in the record on appeal within fourteen days of the notice of appeal, as required by Federal Rule of Bankruptcy Procedure 8009(a)(1)(B).” Dkt. No. 2. The Court also ordered Appellant to address whether his failure to act was the result of excusable neglect for purposes of Federal Rule of Bankruptcy Procedure 9006(b)(1). *Id.* Consistent with Appellant’s *pro se* status, the Court directed the Clerk of Court to mail that Order to Appellant at his last known address.

“An appellant’s failure to take any step other than the timely filing of a notice of appeal . . . is ground [for] . . . dismissing the appeal.” Fed. R. Bankr. P. 8003(a)(2). Appellant “was warned in the order to show cause that a failure to [file the necessary designation] could result in dismissal. Nonetheless, this warning did nothing to prompt any action on his part.” *Dominguez v. Vintage Twin, LLC*, 2021 WL 820880, at *2 (S.D.N.Y. Feb. 26, 2021), *report and recommendation adopted*, 2021 WL 964821 (S.D.N.Y. Mar. 15, 2021). “It is in no one’s interest for this inchoate action to remain open indefinitely.” *In re Residential Funding Co., LLC*, 2015 WL 1639244, at *1 (S.D.N.Y. Mar. 25, 2015). The Court therefore DISMISSES this appeal with prejudice for failure to comply with Federal Rule of Bankruptcy Procedure 8009(a)(1)(B). *See*

Massie v. U.S. Tr., 2021 WL 949752, at *7 (D. Conn. Mar. 12, 2021).

The Clerk of Court is respectfully directed to mail a copy of this Memorandum and Order to Appellant Viatcheslav Strekalov at 745 Totowa Road, Totowa, NJ 07512, and to close this case.

SO ORDERED.

Dated: March 21, 2024
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge